P 21

G. R. S. 58
Previous ref
1–5

89 of 02-03
File No. ~~28 of 02-03~~
Serial Nos. 1–2

190 .
(Municipal)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–2

Major Part B for 1902-03

SUBJECT.

Delegation of a member of a municipal board to preside over a Municipal Committee

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1. No 753 D/18/2/02, from the President of the Municipality in Tumkur Dist: Solicits instructions whether the members of the Municipal Board can hold meetings in the absence of the Vice-President and the powers to preside can be delegated to any of the members.

2. $\frac{742(4-73}{\text{L F 27 of 02}}$ D/20/9/02, (PB 5000–7-17) to the President of

Indexed.

Memo

Letter No 753 Dy 18/2/02 an
1070 Dy 26th June 1902 from the
President of Municipalities in
the Gumtum Dt: in regard to
conducting municipal meetings during the absence of

The President in th
above letter brings to notice
that the Vice President of
Kawaba town in the Gubbi Taluk.
Gubbi, who was not able
to preside over and conduct
the meeting of the Board
held on 31st January 1902,
submits a copy of the Pro-
ceedings of the Board and
states that it is a question
whether the members them-
selves can hold the meet-
ing in the absence of the
Vice President and whether
the latter can delegate his
powers to any of the mem-
bers. The President adds
that there is no ruling on

No 753 Dy 18 2-02

this

the subject and solicits instructions as to the validity of the proceedings of the meetings, as this is the first instance of the meetings so held.

2. From the statements of monthly meetings for January, February and April 1902, submitted by the Dy Comr of Tumkur, it is learnt that the Taluk Sheristadar conducted the meetings held at Tiptur and Nonavinkere during the absence of the Vice President. In reply to an enquiry made by this office, the President submits copies of Proceedings of the Tiptur Municipal Board Dy 29th January and 28th Febry: 1902 and of Nonavinkere Dy 27th February 1902, in which the Taluk Sheristadar presided at the meetings held

Letter No 753 Dy 14/2/02
& No 1070 Dy 26/6/02 from the Presidt. of Tiptur Town Mr

Letter No 838 Dy 26 March 1902
873 Dy 3/4/0

+ No 17366/L 711-99 Dy 26 4-02.

⊕ No 945/4 Dy 6 5-02

held by these Boards, has sign
~~himself~~ " For Vice Presid
and states that the Sala
Sheristadar of Tipton a
not a member of the
Board but that und
the authority delegated
to him by the Amalda
Vice President he presid
~~over~~ the meetings during
his absence on Jamma-
bandy duty, and that
are no instances in which mem
bers present presided ov
meetings during the ab-
sence of the Vice President
from such meetings. ~~have~~
~~not occurred~~. I though re-
peated and lengthened
searches were made by me H.V.R.R.Ela
directed by the Assistt.
Secy:, the Office has not
been able to pick up the
order passed during the days
of Jan: Chentsal Rao Pantulu
Garu authorizing a membe
present to hold meetings
on dates fixed during
the

the absence of the Vice President from Head Quarters. But in No 6566-7 of 1/50-92 dated 6th October 1893, ~~which was~~ recorded in ~~proceedings~~, it was laid down that the Government have no objection to the Vice-President authorizing by a written order and with the previous consent of the Board any municipal member to discharge any of the executive duties of the Vice President. Thus, it is submitted, refers chiefly to the execution of works, Supervision of Conservancy and collection &c but does not expressly or distinctly refer to ~~the~~ presiding over meetings. (Sl 23)

3. Even if this order is taken to extend to

to the privilege of presiding at meetings. The previous sanction of the Board is necessary to such delegation and that delegation can only be made to Municipal members and not to a non member ie Taluk Sheristadar. The Proceedings of such meeting are illegal and cannot be upheld.

4. Section 28 of the draft Municipal Regulation of 1893 and Section 26 clause (5) of that of 1902 authorize members present at a meeting to choose some one of their number to preside thereat.

5. Submitted for orders as to whether the President may be informed that the Proceedings held at meetings presided over by Taluk Sheristadar

Sheristadar, who is not a member, during the absence of the Amildar (Vice President) are illegal and cannot be upheld and that ~~hereafter the Vice Presi-~~ ~~dent should invariably~~ ~~attend Assembly meetings~~ ~~but if in any case~~ if in future, the Vice President happens to be absent on any emergent work, any member present may preside at meetings on the date fixed and conduct proceedings.

~~submitted~~ JB
12/7/1902

Ord
Jan draft
3/1/02

The question raised and the solution proposed are both of too technical a nature, for the very meaning Constitution that has

Note. The delay of nearly 4½ months in subg this paper without the required references is very unsatisfactory. The Head Clerk shd explain as to who is responsible for the same. It is strange that the L & B Shd not have made a note of the important order such as the one said to have been issued between 1890–92. JB
12/7/1902

A separate memo submitted to Asst Secy
orj 14/7/02

at present in force provided for the ... municipalities. There is no general ordinance all on the subject ... far as I am aware ... The matter will of course be dealt with finally in the Municipal Regulations to be passed Before that, it is not worth while laying down any such rules about the legality of meetings.

As the Secretary has been doing everything that ~~due~~ the Auditor could do — except such duties as required express legal authority — his presiding at the meeting should be

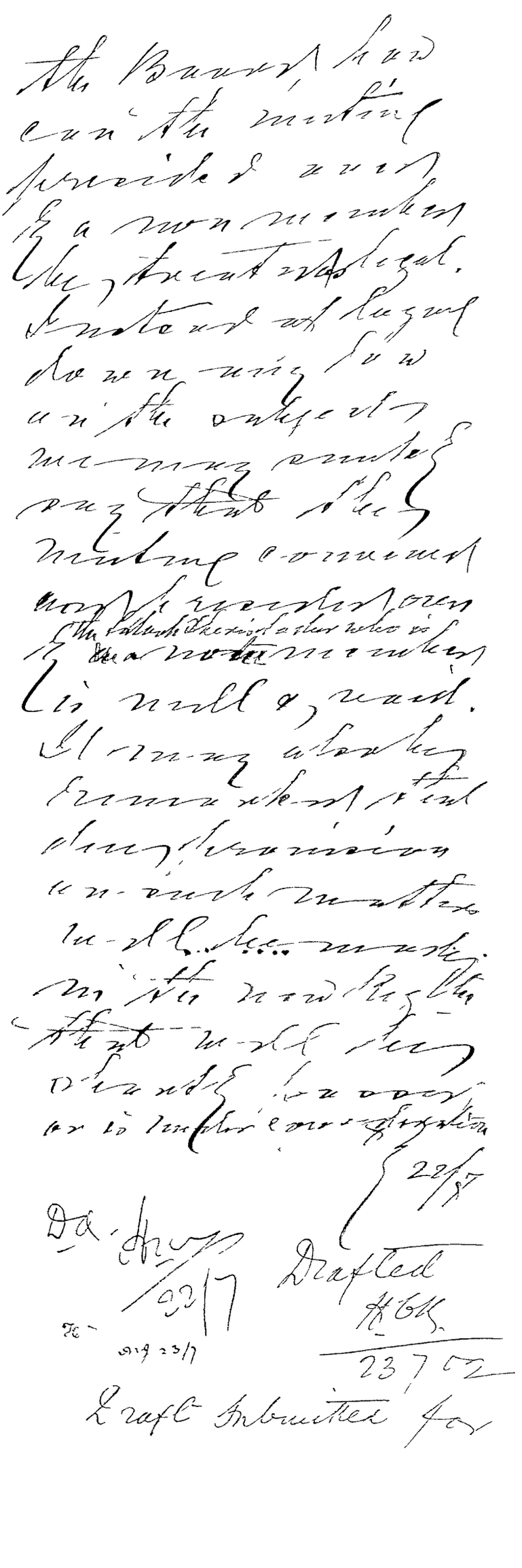
held valid.

The only way is, that the Regulation is passed, such meeting technical informalities may be waived & that proceedings, held at such meetings ~~cannot~~ be considered invalid in that account."

H.W.
7/8/7/1902

The 3rd Councillor.

7/02
871 I am commanded by the Chairman to inform the Council that the Chairman has appointed Councillor Mrs. Pankhurst to be delegate his powers of presiding at a meeting of the Committee of the whole Council



approval omitting in
the preamble of the order
letter No 753 & the 18th
February 1902 (vide
para 1 of the memo) and also the portion marked in pencil in para 2.
as no orders appear
to have been passed
on the question raised
by the President therein.

Resubmitted for orders
with the letter referred to.

DJ.
23/02.

× I think orders have really been passed. I allude to the reference in the draft order to the Regulation under consideration. Therefore the D.C's letter of 18th Feb 02, may, I think, be included in the preamble BV 24/2/02

Submitted to the Secy

The 3rd Commissioner

25/2/02 (801)

is present at these
attends [illegible]
among [illegible]
must be connected
with sec 28 of the
Regulations in force
the provisions of
and the Regulations
to be incorporated
in such draft.

27/7

? H 27/7

H.V.K
29/7/02

Drafted
HBS
30.7.02

I am not sure of an
order being necessary
now. We may as well
wait till the Regn is passed.
A draft however as di-
rected by the 3rd Councillor
is attached.

H
27/8

To the Dewan
through the 2nd
Councillor

Sec 24, 61 Ind(5) [illegible]
[illegible]

X 6.31
28.7.02

Work must go on
somehow till the
draft Regulations

Respects. I can see no objection to one of the members presiding in the absence of the President or Vice President. No official who is not a member has a right to preside - (Nor should the President or Vice President absent himself from a meeting) - The Report as modified has my approval.

Yours truly,

3/19/02

Submitted to the Senate 1/9/02

Submitted. In some of the District head quarter, municipalities such as Hassan, there are no Vice Presidents and at the meetings of such Boards, Presidents themselves preside. As the III Councillors order does not include such cases, the officiating is made to include, them also, subject to approval

Sd/ 30/7/02

BV 31/7/02

Read -

Letter No 753 B dated the 18th July 1902 from the President of the Municipalities in the Tumkur District reporting that a meeting of the Gubbi Town Municipal Board was held by the members on the 31st January '02, as the Vice-President was engaged in Criminal work on that day, and suggesting & Soliciting orders as to whether Municipal members themselves can hold meetings in the absence of the Vice-President, and whether the latter can delegate his power to any of the members

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Order thereon No ——
L-7

D

Pending the passing of the new Municipal Regulation, Govt are

D.
Jan 1/59
8693

I am rather inclined & insist upon the Vice President making it convenient to attend such meetings - In the Mofussil Municipalities and in Taluq Head Qrs there are barely men competent to be entrusted with the responsibility of holding meetings - & if the Commissioner agrees an order to that effect would be issued - Please let me have your views - I do not think we can afford to have an official 3.IX.02 inconvenience

pleased to ~~order~~ direct that the Presidents or Vice-Presidents of ~~Municipalities~~ Municipalities may by special (not general) order authorize the Boards in other than those of Bangalore and Mysore Cities in writing to choose one of the members present to preside at such meetings, when ~~the President or~~ the Vice- are themselves ~~President may be~~ prevented from attending the same. The Secretary ~~The presiding member at any meeting shall have for that meeting all the powers of the President or Vice-President.~~ any other official who is not a member has no locus standi and no delegation therefore in his favour is permissible. Nor is it desirable that the President or Vice President who is in charge of the roll of members absent himself from such meeting. Such absence must be avoided at all.

31/8/02

M II Cir order dy 27.7.02

dy 30/7/02

BV 31/7/02.

To

The Presidents of the Municipalities in the Bangalore District.

The Presidents of the Municipalities in the other Districts.

dy 8/8/02

Samuel dy 8/8/02

10926 L 1380
Or

(General Serial No. 30.)

1901 & 2

From The President of the Municipal Council Tumkur District

To The Secy to the Govt of Mysore Govt Commercial Department Bangalore

Dated 18th
Despatched 19 Do } February 1902
Received

General No. } 190 .
No. 753

Enclosures Number.

Soliciting instructions whether the Members of the Council Board can hold the meeting in the absence of the Vice President and whether the latter can delegate the powers to any of the Members

L 2163-3
21.2.02

Files to be put up
25/2/02 25/2/02

No: 753

Office of the President of Municipal Board, Tumkur District

Dated 18th February 1902.

From

B. G. Krishnaiengar Esq^r,
President, District Fund Board
Tumkur District,

To

H. V. Nanjundayya Esq^r M. A., M.L.,
Secretary to the Govt of Mysore,
Genl & Rev. Departments.
Bangalore

Sir,

I have the honor to state that the Amildar of Gubbi, who is the Vice-President of Kadaba Town, submits the Proceedings of the members at a meeting held on the 21st January 1902, reporting that he was not able to preside over and conduct the meeting as he was engaged in Criminal work &c on the 21st January 1902, to which date the meeting was fixed. It is a question whether the members themselves can hold the meeting in the absence of the Vice-President, whether the latter can delegate his powers to any of the members. So far as I know there is no ruling on the subject. As this is the first instance of a meeting so held, I solicit instructions as to whether it may be considered valid.

I have the honor to be,
Sir,
your most obedient servant,

Pres. Pres^dent, Mun^l Board.

Read.—

Letter No 753 dy to 8th February 1902, from the President of the Municipalities in the Jumna District reporting that a meeting of the Gubbi town Municipal Board was held by the members on the 31st January 1902, as the Vice President was engaged in criminal work on that day, and soliciting orders as to whether Municipal members themselves can hold meetings in the absence of the Vice-President and whether the latter can delegate his powers to any of the members

& is thereon — —

Pending the practice

P.N. 496

4264-73 dy 20/01/02

27-1902

M.S. Copy in L-6

P. Ramaswamy

of the new Municipal (11
Regulation, Govt are pleased
to direct that the Presidents
or Vice Presidents of the ~~Head Quarters~~
municipalities at the Head
~~District and Taluk Head~~
~~quarters~~
~~Capitals~~, other than those of
Bangalore and Mysore cities,
may by a special (~~not Special~~)
order authorize the Boards
in meeting to choose one
of the members present
to preside at such meetings
when they are themselves
prevented from attending
~~the Board~~. The Shirastdar
or any other official, who is a
not a member, has no locus
standi and no delegation
therefore in his favour is
permissible. Nor is it
desirable that the Presi-
dent or Vice President,
who is himself the person
fixing the dates of meetings
should absent himself from
such meetings, unless such

It is irregular to depute
a Shirastdar or other
person who is not
a member to preside
at such meetings.

absence is absolutely unavoidable.

In the case of Mofussil Municipalities, other than those at Taluk Head Quarters, where there are many men competent to be entrusted with the responsibility of presiding at meetings, ~~in this case~~, Govt must insist upon the Vice Presidents making it convenient to attend such meetings.

May be omitted.

17/9

Print [Dewan's order]

Secretary.

To 15/9/1902 Mg 13/9/02

The President of the Municipalities in the Trunkan Dt Presidency Municipalities in other Districts.

Proceedings of the Government of His Highness the Maharaja of Mysore, Local Boards Branch, Municipal, dated 20th September 1902.

READ —

Letter No. 753, dated the 18th February 1902, from the President of the Municipalities in the Tumkur District, reporting that a meeting of the Gubbi Town Municipal Board was held by the members on the 31st January 1902, as the Vice-President was engaged in Criminal work on that day, and soliciting orders as to whether Municipal members themselves can hold meetings in the absence of the Vice-President, and whether the latter can delegate his power to any of the members.

No. 4264-73—L. F. 27-02, DATED BANGALORE, 20TH SEPTEMBER 1902.

ORDER THEREON.—Pending the passing of the new Municipal Regulation, Government are pleased to direct that the Presidents or Vice-Presidents of the Municipalities at the Taluk Head-quarters, other than those of Bangalore and Mysore Cities, may by a special order authorize the Boards in writing to choose one of the members present to preside at such meetings when they are themselves prevented from attending. It is irregular to depute a sheristadar or other person who is not a member to preside at such meetings. Nor is it desirable that the President or Vice-President, who is himself the person fixing the dates of meetings, should absent himself from such meetings unless such absence is absolutely unavoidable.

2. In the case of Mofussil Municipalities, other than those at Taluk Head-quarters, Government must insist upon the Vice-Presidents making it convenient to attend such meetings.

H. V. NANJUNDAYYA,
Secy. to Govt., Gen. & Rev. Depts.

To—The President of the Municipalities in the Tumkur District.
The Presidents of the Municipalities in the other Districts.

Exd—C.V.

190 2-03

GOVERNMENT OF MYSORE

LOCAL BOARDS BRANCH,
MUNICIPAL.

PROCEEDINGS

Dated 20th September 1902

No. 4264-73
L. F. 27-02

Ruling that during their absence, the President or Vice-President of Taluk Headquarter Municipalities, except Bangalore and Mysore Cities, may authorize the Boards to choose one of the members present to preside at meetings etc.

SBP—4-10-02—200